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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,402	11/28/2000	Tina M. Nocera	0015.10	6268
7590	12/03/2003		EXAMINER	
Ernest D. Buff Ernest D. Buff & Associates, LLC 245 South Street Morristown, NJ 07960			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.	09/123452	Applicant(s)	McCormick
Examiner	Alonso, G	Art Unit	3644
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 10/27/03

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4)  Claim(s) 1-34 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Priority under 35 U.S.C. §§ 119 and 120 is made of a

a)  All b)  Some\* c)  None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Request for Continued Examination(RCE)*

1. This action is issued in reply to applicant's Request for Continued Examination(RCE) Paper No: 10) and Amendment B(Paper #11) filed on 10/27/03.
2. Independent claims 1,6,14,19,23,27 were amended. No claims were cancelled. None were added.
3. Claims 1-34 as amended, are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 USC 103(a) as unpatentable over Ho(US Pat. No: 6,480,698) in view of Horowitz(US Pat. No: 6,349,290) and further in view of Munson(US Pat. No: 5,035,625).

6. As per claims 1-34 Ho discloses a system to teach a user based on his questions(Abstract)(col 2 lines 20-36) with a rule-based methodology(Fig 2/64) and an expert system databse(Fig 5)(Fig 6)(Fig 12)(Fig 13).Ho further teaches a study-materials generator(Fig 1/52) and an answer generator(Fig 1/100) and a question comparator(Fig 1/60) as well as topic

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related tables(Fig 2/116) and semantic rules(Fig 2/110). Ho further teaches retrieving a question entered and presenting an answer and comparing the question with other questions(Fig 5/198). In addition, Ho teaches decomposing a question into component parts(Fig 7) and a database with a questions table and a question matching engine(Fig 12/529) and an answer retriever(Fig 12/539). Ho also teaches a grammatical structure analyzer(col 9 line 51-col 13 line 20) for questions and their components and ambiguous questions(col 18 lines 37-col 23 line 15) as well as filling in gaps of misunderstanding(col 23 line 16-col 27 line 40). In addition to that taught by Ho, Horowitz discloses a system for interactive and proactive advice to users on financial investment(Abstract)(Figs 1-4) including customer's intent and expression(Fig 3/12/10) as well as the bank's intent(Fig 4/18). Horowitz further teaches accessing sessions for personalized financial advice(Fig 6) as well as merging behavior data with financial data(Fig 9). Horowitz also teaches interactive and proactive sessions(Fig 12) and collaborative sessions of the client with the financial institution(Fig 26) over the internet(Fig 28). In addition to that taught by Horowitz, Munson teaches a computer game teaching method at the level of a student(Abstract)(Fig 1a)(Fig 1b). Munson further teaches a teaching program for a student(Fig 1a/10/16) and tutorials(Fig 1a/20/24) and a strategy at the student levels(Fig 1a/38) and a student-level of difficulty(Fig 1a/40). Munson further teaches displaying the correctness of the student answered question(Fig 1b/94) for more than one student(Fig 1b/98/104) and a scoring algorithm for the student-level answers(Fig 1b/110). It would have been obvious to one skilled in the art at the time of the invention to combine Ho in view of Horowitz and further in view of

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Munson to teach the applicant's disclosure. The motivation to combine Ho in view of Horowitz is to teach expert questioning as applied to a financial advisory system that advises a client based on his needs to customize products to meet these needs around intelligent engines that self learn as enunciated by Horowitz(col 2 lines 5-11).The motivation to combine Ho in view of Horowitz and further in view of Munson is to teach expert questioning as well as student level questioning as enunciated by Munson(col. 1 lines 59-64) as applied to a financial advisory system that advises a client on investing based on client questions.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-34 as amended, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Questions regarding this communication should be directed to the primary of record, Dr. Geoffrey Akers,P.E. who can be reached between the hours of 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. In the event that the primary cannot be reached, the SPE, Vincent Millin may be telephoned at 703-308-1065.

The fax number for formal or officieal; faxes or Informal or Draft faxes to Technology Center 3600 or thisArt Unit is (703)-308-3687.



11/18/03

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER